

Decision under Delegated Powers

Officer Requesting Decision (if necessary)

Principal Planning Officer, Development Management

Officer Making the Decision

Head of Strategic Support

Recommendation

That a Section 106 linking agreement is signed ensuring the relevant provisions of the Section 106 agreement attached to planning application, (P/13/2510/2), are also applied to planning application P/17/2454/2.

Reason

P/17/2454/2 is a permission, granted under section 73 of the Town and Country Planning Act 1990, for 25 of the 57 plots. It forms a new application for these plots that can be implemented separately from the original consent. For this reason it is important that the same Section 106 obligation measures are attached, (where they apply), and the simplest way to do this is use an agreement that effectively links the new application to the existing agreement.

Authority for Decision

The Constitution gives the Head of Strategic Support delegated authority to enter into and agree a section 106 agreement.

Decision and Date

Background

Planning permission was granted for 57 units under reference P/13/2510/2 on 9th December 2013.

This was also subject to a Section 106 legal agreement covering the following matters:

- 30% of the dwellings constructed on site to be affordable housing – 50% Affordable/Social Rent and 50% shared ownership.
- Appropriate contributions towards transfer of play area.

- £13,527 towards improving NHS services within Anstey.
- Library Contributions of £3,310.00).
- Education - £142,284.36 to improve, remodel or enhance existing facilities at Anstey Latimer Primary School.
- £87,593.23 to improve, remodel or enhance existing facilities at Anstey Martin High School Academy (high school).
- £60,204.92 to facilitate improvements at Anstey Martin High School for an addition 4 upper school places.
The total education contribution is therefore £290,082.51.
- Transport Measures including;
 - A contribution of £25,000 to improve the A50/County Hall roundabout.
 - A contribution of 7,000 towards the provision of an electronic speed warning sign on Gynsill Lane.
 - Completion of the footpath works proposed under P/14/0198/2 prior to occupation of any of the dwellings.
- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325 per pass).
- Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263 per stop.
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120 per display.
- Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4908 per shelter.
- Real Time Information (RTI) displays at 2 nearest bus stops; as RTI is known to increase bus patronage where it is available. At a total of £1200.
- Contributions towards the off site provision or improvements to Youth/Adult recreation within the Parish of Anstey - £40,242.
- Civic Amenity - A sum of £1,325 to Leicestershire County Council to increase capacity at Mountsorrel tip.
- Leicestershire Police - £23,651 towards the upgrade of premises and equipment
- A scheme of public art.

Paragraph 2.9 of the Section 106 Agreement also made provision for the obligations within it to apply to any subsequent section 73 application.

The current application P/17/2454/2 is a section 73 application that varies the house types on 25 of the 57 plots. It changes only relatively minor details, such as the elevational detailing or height of the buildings. It alters nothing that would have implications for the Section 106 obligations such as overall number of dwellings or housing mix.

Financial Implications

There are no financial implications for Charnwood Borough Council as the money to be paid remains unaltered.

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Changes within the application impact on the provisions of the existing section 106 Agreement	Moderate	Significant (if this were to invalidate the obligations within the agreement)	The changes have been assessed and this is not the case.

Key Decision: No

Background Papers:
Planning files: P/17/2454/2 and P/13/2510
Approved Section 106 Agreement